

*Breant, J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----  
CATHERINE V. SIKORSKI and JOHN SIKORSKI,

: 07 - CIV - 3906 (CLB) (LMS)

Plaintiffs,

:

*Partial*

-against-

: NOTICE OF VOLUNTARY  
DISMISSAL WITHOUT

FULTON CHEVROLET-CADILLAC CO., INC.,  
FULTON CHEVROLET CO., INC., HIGH POINT  
CHEVROLET, INC., FULTON/HIGH POINT  
CHEVROLET GROUP HEALTH BENEFIT PROGRAM,  
SIEBA, LTD., AVEMCO INSURANCE COMPANY and  
AVEMCO INSURANCE AGENCY, INC.,

: PREJUDICE PURSUANT TO  
FED. R. CIV. P. 41 *as to*

: *AVEMCO INSURANCE Company*  
: *& AVEMCO INSURANCE Agency, Inc*

: *& ORDER*

Defendants.  
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PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 41 (a) (1), plaintiffs  
CATHERINE V. SIKORSKI and JOHN SIKORSKI hereby dismiss without costs to any  
party and without prejudice their claims in this action against AVEMCO INSURANCE  
COMPANY and AVEMCO INSURANCE AGENCY, INC.

Dated: New York, New York  
July 30, 2007

Yours, etc.

RIDER, WEINER & FRANKEL, P.C.

By 

Jeffrey S.B. Sevilley (JS-7658)

Attorneys for Plaintiffs

CATHERINE V. SIKORSKI and JOHN  
SIKORSKI

655 Little Britain Road

New Windsor, New York 12553

(845) 562-9100

*So ORDERED.*

*Catherine Breant*

*U. S. D. J.*

2894552.2

*dated: August 20, 2007*

**WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP**

150 East 42nd Street, New York, NY 10017-5639

Tel: 212.490.3000 Fax: 212.490.3038

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August 15, 2007

**BY HAND**

Honorable Judge Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601

Re: Catherine V. Sikorski and John Sikorski v.  
Fulton-Chevrolet-Cadillac Co., Inc. et al.  
07-Civ-3906  
Motion to Dismiss Complaint of Defendant Avemco  
File No. 06951.00024

Dear Judge Brieant:

We are the attorneys for defendants Avemco Insurance Company and Avemco Insurance Agency, Inc. Previously, we had moved on behalf of our clients to dismiss a complaint pursuant to FRCP 12(b)(6).

Counsel for plaintiffs Catherine and John Sikorski, by a filing dated August 14, 2007, voluntarily discontinued their action against the Avemco defendants. Enclosed with this letter is a copy of the Notice of Voluntary Dismissal Without Prejudice Pursuant to FRCP 41, as filed by plaintiffs' counsel.

Owing to the dismissal of plaintiffs' action against the Avemco defendants, we ask the Court to treat Avemco's pending motion to dismiss as having been withdrawn without prejudice.

Should the Court have any questions concerning our request, please contact the undersigned.

Very truly yours,

WILSON, ELSE, MOSKOWITZ, EDELMAN & DICKER LLP

  
Steven Kent

SK:vrd  
Enclosures

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cc:

Jeffrey S.E. Scully, Esq.  
Peter L. Contini, Esq.  
Richard B. Golden, Esq.